

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**SHARON MELISSA VIA, individually)
and as mother and next friend of Aiken)
Hamlett, a minor,)**

Plaintiffs,)

VS.)

**CIVIL ACTION NO.
2:06-CV-00531-ID-CSC**

**ALLSTATE INDEMNITY)
COMPANY, ET AL.,)**

Defendants.)

RESPONSE TO MOTION TO REMAND

Comes now the Defendant, Allstate Indemnity Company, and in response to the Plaintiff's Motion to Remand states as follows:

1. The Plaintiff has represented to this Court that the Plaintiff irrevocably agrees that the amount of damages claimed in this action is and will forever be no more than \$74,999.00 exclusive of interest and cost. Plaintiff further stated that Plaintiff will under no circumstances accept a judgment or settlement in this case in excess of \$74,999.00 and that Plaintiff's agreement is binding and cannot be rescinded or revoked under any circumstances. The Plaintiff has further agreed to

remit to the Court any amount in excess of \$74,999.00 received by judgment or order.

2. Based on the above representations by Plaintiff, the Defendant does not object to the Plaintiff's Motion to Remand.

3. However, the Defendant requests that this Court retain jurisdiction for the purpose of entering sanctions in the event that the Plaintiff seeks damages in excess of \$74,999.00 or fails to remit any damages awarded in excess of \$74,999.00.

Respectfully submitted,

s/ M. Keith Gann

M. Keith Gann

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Gordon J. Brady, III

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing **RESPONSE TO MOTION TO REMAND** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Dan W Taliaferro, Esq.
Attorney at Law
6987 Halcyon Park Drive
Montgomery, AL 36117

on February 22, 2007.

s/M. Keith Gann
Of Counsel